



# Rupperecht Law P. A.

*Helping Businesses Navigate Aviation Law*

6/21/2022

U. S. Department of Transportation  
Docket Operations  
West Building Ground Floor, Room W12-140,  
1200 New Jersey Ave., SE,  
Washington, DC 20590

## **PETITION FOR RENEWAL OF EXEMPTION**

Dear Sir or Madam:

The Drone Farmers LLC petitions for a renewal of Exemption No. 18365 from the listed Federal Aviation Regulations (“FAR’s”) to conduct agricultural aircraft operations.

### **I. PETITIONER’S ADDRESS:**

The Drone Farmers LLC  
Attention: Derrick Perkins  
1000 S Broadway #427  
Denver, CO 80209

### **II. THE REGULATIONS WHICH THE PETITIONER IS REQUESTING EXEMPTION FROM**

- 14 C.F.R. § 107.36
- 14 C.F.R. § 137.19(c) and (d)
- 14 C.F.R. § 137.19(e)(2)(ii), (iii), and (v)
- 14 C.F.R. § 137.31(a) and (b)
- 14 C.F.R. § 137.33(a) and (b)
- 14 C.F.R. § 137.41(c)
- 14 C.F.R. § 137.42



### **III. THE EXTENT OF RELIEF THE PETITIONER IS SEEKING**

The Drone Farmers LLC agrees to operate under the same restrictions in the previously granted exemption to The Drone Farmers LLC (Exemption No. 18365).

### **IV. REASONS WHY THE PETITIONER IS SEEKING RELIEF FROM THE REGULATIONS AND WHY THE EXEMPTION WOULD PROVIDE AN EQUIVALENT LEVEL OF SAFETY**

It has already been determined by the FAA in Exemption No. 18365 that the restrictions of our exemption provide an equivalent level of safety.

Since the initial granting of the exemption, we have not updated our manuals. In the abundance of caution, we have confidentially submitted the manuals again for your review.

### **V. REASONS WHY GRANTING THIS PETITION WOULD BE IN THE PUBLIC INTEREST**

If the Petitioner does not have the option of using the Petitioner's UA, the only other way to spray inaccessible, dangerous, unstable, treacherous ground areas the Petitioner seeks is by using manned aircraft which pose a danger to the pilot as well as individuals on the ground. There are no pilots on board the UA and due to the small size of the UA, there is less risk posed to the public on the ground in case of an emergency. Additionally, the UA has multiple motors while most manned aircraft have only one engine; thus, there is some motor redundancy for some UA in case of a motor malfunction.

Manned airplanes and helicopters produce great amounts of noise pollution disrupting the quiet enjoyment of private property of the public on the ground. UA are much quieter and will not disrupt the public as much as manned aircraft; thus, the public will benefit from a reduction in noise pollution.

In addition to the noise pollution reduction, engine or turbine powered aircraft produce exhaust which affects the environment, while the UA of the Petitioner are electric and do not produce any emission.



The byproduct of 100LL emissions is lead entering the air the public breathes while electric motors produce none. The environment and the public health are benefited by the use of UA.

UA use batteries for power which are not as flammable and explosive as 100LL or Jet A. If there was an emergency where the UA crashed, there is less of a chance for individuals being injured from an explosion or fire. UA also use smaller propellers than manned helicopters which will cause far less damage in the case of a crash than the “grenading” that typically happens during a manned helicopter crash.

Lastly, the UA will be operated at lower altitudes than most manned aircraft. This vertical separation greatly reduces the chance of a mid-air collision and the resulting catastrophic carnage on the ground. Thus, the public benefits by having less risk from mid-air collision wreckage impact.

## **VI. FEDERAL REGISTER SUMMARY**

We do not believe a federal register summary is needed since this is a petition for renewal. In the abundance of caution, as required by 14 C.F.R. Part 11, below is provided a summary of the petition to be published in the Federal Register should it be determined that publishing is needed.

The Petitioner is seeking a renewal of exemption from the following rules:

14 C.F.R. §§ 107.36; 137.19(c) and (d); 137.19(e)(2)(ii), (iii), and (v); 137.31(a) and (b); 137.33(a) and (b); 137.41(c), and 137.42 to operate an unmanned aircraft, weighing less than 55 pounds, commercially for agricultural aircraft operations as defined in 14 C.F.R. § 137.3.

This exemption is needed because the listed regulations are extremely burdensome to operate under while conducting agricultural aircraft operations under the Federal Aviation Regulations. The operations of the unmanned aircraft (“UA”) will provide a far safer alternative than using a jet or piston powered aircraft because small batteries will be used instead of large amounts of highly flammable fuel, the UA can be transported to the operation location via ground vehicle as opposed to ferrying in the air, the UA will be operated at altitudes far below manned aircraft, and the UA will use clean electricity for power as opposed to 100LL which has the by-product of small amounts of lead being released into the atmosphere for the public to breath. The proposed restrictions contained in the petition and manufacturer’s manuals will provide an equivalent level of safety as the regulations.



## VII. STATUTORY AUTHORITY TO GRANT THIS PETITION

The Federal Aviation Act gives the FAA the authority to grant exemptions. “The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any sections 44702-44716 of this title if the Administrator finds the exemption in the public interest.”<sup>1</sup>

## VIII. CONCLUSION

The operation of The Drone Farmers LLC using a small UAS, weighing less than 55 lbs., for agricultural aircraft operations, conducted under the proposed restrictions outlined above, will provide an equivalent level of safety as the burdensome regulations; therefore, this petition should be granted without delay. If I can be of any assistance, please do not hesitate to contact me at (561)222-6979 or at my email [jon@jrupperechtlaw.com](mailto:jon@jrupperechtlaw.com)

Sincerely yours,

Jonathan Rupperecht, Esq.

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<sup>1</sup> 49 U.S.C. § 44701(f); *accord* 49 U.S.C. § 44711(b).